

SENATE BILL No. 300

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-3-2; IC 35-47-6.

Synopsis: Airport and aircraft offenses. Allows a person to use reasonable force to stop another person from hijacking or otherwise seizing unlawful control of an aircraft in flight. Makes it a Class D felony for a person to violate federal regulations concerning: (1) airport security; and (2) airplane operator security. Makes it a Class A felony for a person to use force or violence to: (1) injure or confine another person in an aircraft; (2) disrupt the operation of an aircraft; or (3) hijack an aircraft in flight.

Effective: July 1, 2002.

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January 7, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 300

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-41-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person is
3 justified in using reasonable force against another person to protect
4 **himself the person** or a third person from what ~~he~~ **the person**
5 reasonably believes to be the imminent use of unlawful force.
6 However, a person is justified in using deadly force only if ~~he~~ **the**
7 **person** reasonably believes that that force is necessary to prevent
8 serious bodily injury to **himself the person** or a third person or the
9 commission of a forcible felony. No person in this state shall be placed
10 in legal jeopardy of any kind whatsoever for protecting **himself the**
11 **person** or ~~his~~ **the person's** family by reasonable means necessary.
12 (b) A person is justified in using reasonable force, including deadly
13 force, against another person if ~~he~~ **the person** reasonably believes that
14 the force is necessary to prevent or terminate the other person's
15 unlawful entry of or attack on ~~his~~ **the person's** dwelling or curtilage.
16 (c) With respect to property other than a dwelling or curtilage, a



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person is justified in using reasonable force against another person if ~~he~~ **the person** reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in ~~his~~ **the person's** possession, lawfully in possession of a member of ~~his~~ **the person's** immediate family, or belonging to ~~a~~ **another** person whose property ~~he~~ **the person** has authority to protect. However, a person is not justified in using deadly force unless that force is justified under subsection (a).

(d) **A person is justified in using reasonable force, including deadly force, against another person if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:**

(1) **on the ground in Indiana:**

(A) **after the doors of the aircraft are closed for takeoff; and**

(B) **until the aircraft takes off;**

(2) **in the airspace above Indiana; or**

(3) **on the ground in Indiana:**

(A) **after the aircraft lands; and**

(B) **before the doors of the aircraft are opened after landing.**

(e) ~~Notwithstanding subsections (a), (b), and (c), of this section,~~ a person is not justified in using force if **the person:**

(1) ~~he~~ is committing, or is escaping after the commission of, a crime;

(2) ~~he~~ provokes unlawful action by another person, with intent to cause bodily injury to the other person; or

(3) ~~he~~ has entered into combat with another person or is the initial aggressor, unless ~~he~~ **the person** withdraws from the encounter and communicates to the other person ~~his~~ **the person's** intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

(f) **Notwithstanding subsection (d), a person is not justified in using force if the person:**

(1) **is committing, or is escaping after the commission of, a crime;**

(2) **provokes unlawful action by another person, with intent to cause bodily injury to the other person; or**

(3) **continues to combat another person after the other person**

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1 withdraws from the encounter and communicates the other
 2 person's intent to stop hijacking, attempting to hijack, or
 3 otherwise seizing or attempting to seize unlawful control of an
 4 aircraft in flight.

5 SECTION 2. IC 35-47-6-1.4 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2002]: **Sec. 1.4. (a) This section does not apply to a person who**
 8 **is:**

9 (1) employed by:

10 (A) an airport;

11 (B) an airline; or

12 (C) a law enforcement agency; and

13 (2) acting lawfully within the scope of the person's
 14 employment.

15 (b) A person who knowingly or intentionally enters an area of
 16 an airport in violation of 14 CFR 107 (Airport Security) as in effect
 17 July 1, 2002, commits a Class D felony.

18 SECTION 3. IC 35-47-6-1.5 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2002]: **Sec. 1.5. (a) This section does not apply to a person who**
 21 **is:**

22 (1) employed by:

23 (A) an airport;

24 (B) an airline; or

25 (C) a law enforcement agency; and

26 (2) acting lawfully within the scope of the person's
 27 employment.

28 (b) A person who knowingly or intentionally boards an aircraft
 29 in violation of 14 CFR 108 (Airplane Operator Security) as in
 30 effect July 1, 2002, commits a Class D felony.

31 SECTION 4. IC 35-47-6-1.6 IS ADDED TO THE INDIANA CODE
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2002]: **Sec. 1.6. (a) A person who knowingly or intentionally uses**
 34 **force or violence or the threat of force or violence:**

35 (1) to unlawfully injure another person in an aircraft;

36 (2) to unlawfully subject another person to physical
 37 confinement or restraint in an aircraft;

38 (3) to disrupt the operation of an aircraft; or

39 (4) to hijack an aircraft;

40 in flight commits a Class A felony.

41 (b) For purposes of this section, an aircraft is considered to be
 42 in flight while the aircraft is:

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- 1 **(1) on the ground in Indiana:**
- 2 **(A) after the doors of the aircraft are closed for takeoff;**
- 3 **and**
- 4 **(B) until the aircraft takes off;**
- 5 **(2) in the airspace above Indiana; or**
- 6 **(3) on the ground in Indiana:**
- 7 **(A) after the aircraft lands; and**
- 8 **(B) before the doors of the aircraft are opened after**
- 9 **landing.**

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